

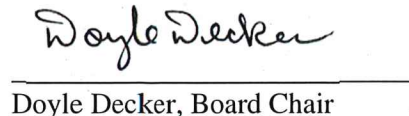
STATEMENT OF EMERGENCY

201 KAR 46:020E

This emergency amendment to the existing administrative regulation is being promulgated under KRS 13A.190(1)(a)(3) to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute or federal law. KRS 311B.080 requires the Board for Medical Imaging and Radiation Therapy ("Board") to recognize and enforce the current rules and regulations, practice standards, scopes of practice, and ethical standards for the nationally recognized professional organizations and certifying bodies for technologists and therapists regulated by the Board. Effective January 1, 2022, the American Registry of Radiologic Technologists ("ARRT"), the national certifying body for medical imaging professionals recognized by the Board, will implement a change to the process for the payment of examination fees. The exam fee will be payable directly to the ARRT rather than a pass through payment to the Board; therefore, the Board requests to make emergency adjustments to the fee schedule to comply with this update. This emergency amendment to the existing administrative regulation shall be replaced by an identical ordinary administrative regulation.



Andy Beshear, Governor



Doyle Decker, Board Chair

1 GENERAL GOVERNMENT CABINET

2 Board for Medical Imaging and Radiation Therapy

3 (Emergency Amendment)

4 201 KAR 46:020E. Fees.

5 RELATES TO: KRS 311B.050, 311B.100(2), 311B.110, 311B.120, 311B.130, 311B.140,
6 311B.180, 311B.190

7 STATUTORY AUTHORITY: KRS 311B.010, 311B.050, 311B.120

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.010 and 311B.050 require the
9 Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to
10 regulate medical imaging, radiation therapy, and related occupations. KRS 311B.120 requires the
11 board to promulgate administrative regulations to establish fees and penalties. This administrative
12 regulation establishes fees for the licensure of an advanced imaging professional, a medical
13 imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, and a
14 limited x-ray machine operator.

15 Section 1. Initial Application and License Fee. A non-refundable initial application and
16 license fee shall be \$100.

17 Section 2. Renewal License Fee. A non-refundable renewal fee shall be fifty (50) dollars
18 per year.

1 Section 3. Temporary Application and License Fee. A non-refundable fee for a temporary
2 license shall be \$100.

3 Section 4. Provisional Training License Fee. A non-refundable fee for a provisional
4 training license for a radiation therapist and a nuclear medicine technologist shall be fifty (50)
5 dollars per twenty-four (24) month training period.

6 Section 5. Temporary Limited X-ray Machine Operator Application and License Fee. A
7 non-refundable, non-transferrable fee for a license shall be \$100.

8 Section 6. Duplicate License Fee. A non-refundable fee for a duplicate license shall be
9 twenty (20) dollars.

10 Section 7. Reinstatement Fee. A reinstatement fee shall be \$100. Reinstatement fee shall
11 be assessed starting on day six (6) following the expiration date of license.

12 Section 8. Name Change Fee. A non-refundable fee for a new printed license with a name
13 change shall be twenty (20) dollars.

14 Section 9. Limited X-ray Machine Operator Examination Qualification Fee. A non-
15 refundable fee for the qualification to register for the limited x-ray machine operator examination
16 shall be twenty-five (25) dollars [~~\$165~~].

17 Section 10. Insufficient Funds Fee. A fee for returned check or denied online banking
18 (ACH) payment shall be fifty (50) dollars.

19 Section 11. Written Verification of Qualifications Fee. The fee for completion of written
20 verification documents shall be twenty-five (25) dollars per document.

- 1 Section 12. Continuing Education Approval Fee. (1) Individual continuing education
2 program fee shall be ten (10) dollars.
3 (2) Annual sponsoring institution fee shall be \$100.

Doyle Decker

Date: 12/8/21

Doyle Decker, Chair
Board of Medical Imaging and Radiation Therapy

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2022, at 10:00am in the office of the Board of Medical Imaging and Radiation Therapy, 125 Holmes Street, Suite 320, Frankfort, Kentucky 40601, (502) 782-5687. Individuals interested in attending this hearing shall notify the agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the end of the day on February 28, 2022.

Send written notification of intent to attend the public hearing or submit written comments on the proposed administrative regulation to: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 125 Holmes Street, Suite 320, Frankfort, Kentucky 40601, Telephone No. (502) 782-5687; Telefax No. (502) 782-6495; email: elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 46:020. Fees.

Contact Person: Elizabeth Morgan
Phone Number: (502) 782-5687
Email: elizabeth.morgan@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fees to be assessed to licensees and applicants.

(b) The necessity of this administrative regulation: The necessity of this regulation is to advise the public, licensee and applicant of fees to be assessed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations establishing fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the fees to be assessed from applications, renewals, reinstatement, name change, and various other programs and services provided by the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates the fee for the limited x-ray machine operator exam due to an update from the exam administrator.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary since the board is updating the limited x-ray machine operator exam fee due to an update in the administration fee and process of paying exam fees to exam administrator.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the establishment of fees.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will update the fee for the limited scope exam due to a change in the process of registering individuals to take exam by the exam administrator.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 300 state health care organizations and approximately 7,600 licensees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There is no new requirement by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment to the administrative regulation requires individuals that apply to take the limited scope exam to pay the administrative fee to the Board and they will also pay an exam fee to the organization that administers the exam.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulations place applicants and licensees on clear notice of the fees associated with licensure and procedures.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

No additional cost will be incurred as a result of amending this administrative regulation.

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees established by this regulation and paid by licensees and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The decrease in fees for the limited scope exam is due to the test administrator only allowing examinees to pay for the exam via online portal; previously, the Board was sent monthly invoices based on how many examinees registered for the exam.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment to the administrative regulation updates fees for the limited scope exam.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used): Tiering was not applied as the regulation is applicable to all credential holders and applicants. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

201 KAR 46:020. Fees for 201 KAR Chapter 46.

Contact Person: Elizabeth Morgan

Phone Number: (502) 782-5687

Email: elizabeth.morgan@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Medical Imaging and Radiation Therapy.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. : KRS 311B.010 to 311B.190

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There will be no increase in revenue as a result of the decrease in fee for limited x-ray machine operator exam. This is the fee to review eligibility for the exam and register them into the exam system.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?
None

(c) How much will it cost to administer this program for the first year? The cost associated with administering this regulation is the time for staff to register the individual for the exam.

(d) How much will it cost to administer this program for subsequent years? This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no additional cost associated with administering this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:



October 20, 2021

Elizabeth Morgan
Board of Medical Imaging and Radiation Therapy
125 Holmes St. Suite 320
Frankfort, KY 40601

Dear Elizabeth Morgan:

Thank you for utilizing the American Registry of Radiologic Technologists (ARRT) examinations to help assess the knowledge and cognitive skills of your state radiologic technology licensure candidates.

Enclosed please find a new agreement(s) between the Board of Medical Imaging and Radiation Therapy and the ARRT detailing the ARRT administration of examinations to state-approved candidates for state licensing purposes. The agreement letter(s) reflects the January 1, 2022, fee increase for the *Limited Scope of Practice in Radiography* and *Bone Densitometry Equipment Operator* examinations. Additional agreement updates are summarized below and were provided in letters mailed to you in January and July of this year:

1. Examination fee increase: Effective January 1, 2022

Limited Scope of Practice in Radiography	\$150
Bone Densitometry Equipment Operator (BDEO)	\$150
2. All state candidates will be required to create an online account at www.state.arrt.org. No third-party individuals, schools, or businesses can create the online account for the state candidate. ARRT's expectation is for individual state candidates to be in charge of their online account. Before the individual can pay for their exam, they will be required to:
 - Read and agree to an *Agreement of State Candidates* which is their attestation to not divulge or receive examination information that uses language that is substantially similar to that used in questions and/or answers on ARRT examinations; and
 - Electronically indicate yes or no regarding their potential need and consideration for testing accommodations based on the Americans with Disabilities Act (ADA) guidelines.

The enclosed agreement is between the ARRT and your agency to provide service to state-assigned candidates only. Third-party individuals do not have the authority to agree to these above statements on behalf of a state-approved candidate.
3. ARRT will accept only credit card payments for state candidate examination fees.





4. State Candidate Status Reports are available online once a state candidate creates their online account, pays their exam fee by credit card, and have been assigned an examination window.
5. ARRT has developed a template letter for your use detailing login and payment instructions for your candidates. If you would like an electronic copy of the template letter, please contact me at carrie.cernohous@arrt.org.

The following noteworthy changes in ARRT policies may be of interest:

- ARRT has updated the *Examination Content Specifications for Radiography* to be effective January 1, 2022.
- ARRT has updated the *Examination Content Specifications for Nuclear Medicine Technology* to be effective January 1, 2022.
- ARRT has updated the *Examination Content Specifications for Radiation Therapy* to be effective January 1, 2022.
- ARRT has updated the *Examination Content Specifications for Computed Tomography* to be effective July 1, 2022.

Your prompt attention to the enclosed agreement(s) will be greatly appreciated. If the enclosed agreement(s) is/are acceptable, please acknowledge by signing the last page, retaining a signed copy for your files, and returning the signed original to the ARRT no later than December 31, 2021. If we don't receive a signed copy by December 31, 2021, we will assume you no longer wish to contract with ARRT and will no longer be able to submit candidates to ARRT for state licensing examination purposes, nor will candidate scores be available. Please forward this information through the proper channels if you are not the correct individual to sign the agreement(s). If you have questions regarding the agreement(s), please contact me at 651.681.3210.

Sincerely,

Carrie R. Cernohous
State Contracting and Test Center Coordinator
Education Requirements.

Enclosure(s)





October 20, 2021

Elizabeth Morgan
Board of Medical Imaging and Radiation Therapy
125 Holmes St. Suite 320
Frankfort, KY 40601

Dear Elizabeth Morgan:

The American Registry of Radiologic Technologists® (ARRT) hereby agrees on the terms and conditions set forth below, to administer ARRT's *Limited Scope of Practice in Radiography Examination* to state-approved candidates who are seeking state licensing. The Board of Medical Imaging and Radiation Therapy (hereafter referenced as STATE) acknowledges, understands, and agrees that ARRT's examination of STATE-approved candidates for the ARRT *Limited Scope of Practice in Radiography Examination* does not mean or imply that any of these candidates is or ever will be eligible for certification and registration by the ARRT. Eligibility for ARRT certification and registration requires applying for and meeting ARRT's eligibility requirements as well as passing an ARRT examination in a discipline for which certification and registration is offered.

The services that the ARRT provides to the STATE and the conditions under which these services are provided are summarized below:

1. It is the responsibility of the STATE to determine that the examination is appropriate for the scope of practice being licensed. The list of tasks covered by each examination is available from ARRT to help the STATE make this determination.
2. Candidates seeking STATE licensing must apply directly to the STATE for licensing and examination and receive licensing results from the STATE.
3. The STATE will provide the ARRT with the information listed below on all STATE-approved candidates using the ARRT's secure State Data Website.
 - a) Name
 - b) Address
 - c) Social Security Number
 - d) Birth Date
 - e) Module(s) of Examination: Core, Chest, Extremities, Skull/Sinus, Spine, Podiatric

(All STATE-approved candidates are required to complete the Core module.)





4. The ARRT will compare the STATE-submitted list to the list of candidates for ARRT certification and registration and designate candidates as either ARRT candidates (those having applied to the ARRT and been found eligible for ARRT certification and registration) or STATE-approved candidates (all others.) Payment will be required for each assigned STATE-approved candidate.
5. The fee for the examination will be \$150. Fees paid to ARRT are nonrefundable and nontransferable. STATE-approved candidates will be required to submit their examination fee by credit card using a designated secure ARRT website. ARRT can assist the STATE in developing a letter with payment instructions the STATE can send to its approved candidates.

NOTE: The fee will be forfeited to the ARRT if the STATE-approved candidate does not schedule an appointment within the assigned examination window, does not cancel an appointment according to the appointment guidelines, does not appear as scheduled, does not agree with, or respond to the Non-Disclosure Agreement, or if the STATE-approved candidate is turned away due to not following ARRT and test center policies and procedures.

6. Fees paid are in return for services. ARRT examinations are administered as computer-based examinations. The ARRT maintains ownership and all rights to the examinations and ARRT-developed materials.
7. All STATE-approved candidates will be required to create an online account at www.state.rrt.org and will be required to sign an *Agreement of State Candidates* before they can pay their examination fee.
8. To comply with the Americans with Disabilities Act (ADA), ARRT will provide testing accommodations to STATE-approved candidates if ARRT's third-party partner organization, Paradigm Testing, determines an individual meets ADA requirements. Exam accommodations include any changes to standard testing procedures, such as requests for additional time, a reader, or testing in a separate room.
9. Examinations administered to STATE-approved candidates will be the current, discipline-specific ARRT examinations. No modifications (e.g., the inclusion of special STATE regulations or exclusion of sections) may be made to the examinations. Examination questions, instructions, and communications related to the contracted services are only provided in English.





10. The examination subject content areas and the number of items per content area are identified in the discipline-specific examination content specifications. Each examination form includes several unscored pilot items that are not identified as such to candidates. The ARRT periodically updates the examinations, and any revisions to the content categories (or the number of items per content area) will be sent to the STATE.
11. The ARRT will assign a 90-day examination window to each STATE-approved candidate and will send a State Candidate Status Report verifying the STATE-approved candidate's name, address, and assigned examination modules to each STATE-approved candidate. The ARRT will provide all STATE-approved candidates an examination handbook with information describing their 90-day examination window, computer-based examination scheduling procedures, and the examination content specifications. The State Candidate Status Report and examination handbook can also be accessed via www.state.rrt.org.
12. The ARRT is authorized to sub-contract the examination administration with a computer-based testing company. Each STATE-approved candidate will contact the ARRT-identified computer-based testing company to schedule their examination administration time and location at one of over 200 test centers.
13. The ARRT will score examinations and provide the results reported as number-correct scores on each examination module for all STATE-approved *Limited Scope of Practice in Radiography Examination* candidates directly to the STATE on a weekly postlist. Candidate scores can also be accessed via ARRT's secure State Data Website. The STATE will provide examination results directly to STATE-approved candidates.
14. The ARRT will NOT establish a pass/fail point. The STATE must select a passing score for licensing based upon its own concerns.
15. ARRT does not allow STATE-approved candidates access to specific examination items or STATE-approved candidate responses to individual examination items except during the examination administration.
16. ARRT does allow STATE-approved candidates to request a rescore of their examination that will be performed internally by ARRT staff, consistent with the policies outlined in the state candidate examination handbook. The rescore is confined to verifying that no error was introduced in applying the answer key to the scoring of the examination.





17. If the ARRT has reasonable grounds to believe that misconduct or irregular behavior may have compromised the integrity of an examination, the ARRT reserves the right to cancel or withhold STATE-approved candidate(s) examination results. The ARRT may also pursue legal action against any individual who compromises the integrity of an examination. The ARRT reserves the right to bar said STATE-approved candidate(s) from future examination administrations.
18. The ARRT reserves the right to bar from examination STATE-approved candidates who are currently sanctioned by the ARRT.
19. In the unlikely event that an examination must be rescored due to an ARRT error or computer-based testing company error, the ARRT reserves the right to publish that an error was made, the circumstances that led to the error, and the steps taken to correct the error. The ARRT and STATE will cooperate in notifying STATE-approved candidates who have a rescore performed resulting in a change in their final score.
20. The ARRT will appoint a designated representative as the main contact point for any STATE-related questions or concerns.
21. The STATE will appoint a designated representative as the main contact person to work with ARRT on behalf of STATE-approved candidates and official STATE business.
22. The ARRT will provide the opportunity for a representative appointed by the STATE to annually review an examination and its associated statistical data.
23. Periodically, the ARRT may increase STATE-approved candidate fees as necessary after providing a minimum 180-day written notice of the change to the STATE. The STATE acceptance of a revised agreement will be required at the time of a fee increase.
24. Neither ARRT nor STATE shall be liable for the failure of or delay in performing its obligations under this Agreement if such failure or delay is the result of an act of God, such as earthquake, hurricane, tornado, flooding, or other natural disaster, in the case of war, terrorist activities, or failure of electrical service. The non-performing party must make every reasonable attempt to minimize delay of performance. Each party must inform the other in writing, within ten (10) business days of the existence of such force majeure, or otherwise waive this right as a defense.
25. The STATE or ARRT may terminate this agreement by providing a 180-day written notice of termination to the other party.





26. Information concerning significant revisions to the examination will be provided to the state in a timely manner.

The preceding arrangements have been formulated to require a minimum of record-keeping and special handling of STATE-approved candidates on the part of the ARRT. Special modifications to these procedures may result in increased fees for the STATE.

If these terms are acceptable, please have an authorized representative sign below, retain a signed copy for your files and return the signed original to the ARRT.

JBR/jp/crc

THIS LIMITED SCOPE OF PRACTICE IN RADIOGRAPHY EXAMINATION AGREEMENT IS AGREED TO AND ACCEPTED AS OF THE EFFECTIVE DATE BY THE SIGNATURE OF EACH PARTY'S AUTHORIZED AGENT AS SET OUT BELOW:

ARRT

BMRT

Jerry B. Reid, Ph.D.

Chief Executive Officer

Title

10.20.2021

Date

Name Elizabeth Morgan

Executive Director

Title

12/3/2021

Date

